

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 04-10235-MLW
)	
CORY HUBBARD)	

ORDER

WOLF, D.J. April 21, 2005

For the reasons stated in detail in court on April 21, 2005, the court finds that the government has proven, by clear and convincing evidence, that defendant Cory Hubbard is a danger to the community. See 18 U.S.C. §3142(f). On the factual record before it, however, the court is unable to determine if any condition or combination of conditions may adequately ensure the safety of the community against any danger posed by Hubbard's pretrial release. See United States v. Simone, 317 F.Supp.2d 38, 43 (D. Mass. 2004). Accordingly, it is hereby ORDERED that:

1. The hearing to address Defendant Cory Hubbard's Motion to Revoke Detention Order (Docket No. 18) is CONTINUED.

2. Pre-Trial Services shall investigate and report to the court and the parties whether: (a) the property located at 856 Allen Street, North Dartmouth, Massachusetts, owned jointly by Audrey Fernandes, Paul Alfred Fernandes and Paula Marie Fernandez, is a suitable residence for third-party custody of Hubbard; (b) Paula Fernandes is a suitable custodian; (c) the Fernandez family has substantial equity in the property proposed to be posted as

security; and (d) there are any other issues or information relevant to whether the proposed conditions of release will reasonably assure the safety of the community.

3. Hubbard shall, by April 22, 2005, inform the court whether he still wishes to seek pretrial release.

4. Hubbard shall, by April 29, 2005, file a Motion for Discovery in connection with his Motion to Suppress.

4. The Government shall, by May 13, 2005, respond to Hubbard's Motion for Discovery.

5. A hearing shall be held on May 19, 2005, at 2:30 p.m.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE